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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

RICHARD ALTON WISLER,	)	Case No.: 1:20-CV-00665-EPG
	)	
Plaintiff,	)	STIPULATION AND ORDER FOR AN
	)	EXTENSION OF TIME
vs.	)	(ECF No. 21)
	)	
KILOLO KIJAKAZI, <sup>1</sup>	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security (the “Commissioner”), shall have an extension of time to file her opposition to Plaintiff’s opening brief in this case. In support of this request, the Commissioner respectfully states as follows:

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1           1.       Primary responsibility for handling this case has been delegated to the Office of  
2 the Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

3           2.       Defendant’s response to Plaintiff’s opening brief is currently due December 13,  
4 2021. Defendant has not previously requested an extension of time for this deadline.

5           3.       The Region IX Office handles all district and circuit court litigation involving the  
6 Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

7           4.       The Region IX Office employs 44 staff attorneys, of whom 30 are actively  
8 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.  
9 Most of the attorneys who handle program litigation cases have additional responsibilities, such  
10 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the  
11 work product of junior attorneys, conducting trainings, and participating in national workgroups.  
12 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has  
13 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-  
14 assigned cases into their existing caseloads.

15           5.       In addition to “program” litigation, the Region IX Office provides a full range of  
16 legal services as counsel for the Social Security Administration, in a region that covers four  
17 states (including the most populous state in the nation) and three territories. These other  
18 workloads include employment litigation; civil rights investigations; bankruptcy matters; and  
19 requests for legal advice on wide-ranging topics, including Regional office client requests for  
20 advice on program issues, employee conduct and performance, reasonable accommodation,  
21 hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high  
22 volume of program litigation cases, the Region IX Office has had to focus its efforts on  
23 processing only other workloads that are subject to statutory, regulatory, and court deadlines.

24           6.       The undersigned of counsel attorney has 14 briefs due in district court cases over  
25 the next month which must be reviewed by the undersigned Special Assistant United States  
26 Attorney prior to filing with the Court.

27           7.       Due to the volume of the overall workload within the Region IX Office, neither  
28 the undersigned attorney nor another attorney in the Region IX Office anticipate being able to

1 complete briefing by the current due date of December 13, 2021. Therefore, Defendant seeks an  
2 extension of 30 days, until January 12, 2022 to respond to Plaintiff's motion.

3 8. This request is made in good faith and is not intended to delay the proceedings.

4 9. On December 8, 2021, counsel for Defendant conferred with Plaintiff's counsel,  
5 who has no opposition to this motion.

6  
7 **ORDER**

8 Pursuant to the parties' stipulation (ECF No. 21), IT IS ORDERED that Defendant shall  
9 have an extension, up to and including January 12, 2022, to respond to Plaintiff's Opening Brief.

10  
11 IT IS SO ORDERED.

12 Dated: **December 10, 2021**

13 /s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE